

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE TO
PRACTICE MEDICINE AND SURGERY OF:

NAZARIO R. CAPATI, M.D.,
RESPONDENT

ORDER

The Wisconsin Medical Examining Board, having met on November 19, 1992, and having received and considered a Stipulation, a copy of which is attached hereto and incorporated herein;

And the Wisconsin Medical Examining Board, having determined that it has jurisdiction to act in this matter pursuant to Wis. Stats. secs. 448.02(3) and 448.02(5);

NOW, THEREFORE, IT IS ORDERED THAT:

1. The attached Stipulation is approved and adopted by the Wisconsin Medical Examining Board.
2. Nazario R. Capati, M.D., shall surrender his license to practice medicine and surgery in the state of Wisconsin effective on the date of this Order.
3. Nazario R. Capati, M.D., shall not practice or attempt to practice medicine and surgery in the state of Wisconsin on or after the date of this Order.
4. Nazario R. Capati, M.D., shall not make reapplication for licensure at any time in the future.
5. The pending investigation, investigative file #91 MED 35, shall be, and hereby is, closed without further investigation and no formal action will be commenced as a result of this investigation.

Dated at Madison, Wisconsin this 19th day of November, 1992.

BY THE BOARD

B. Ann Nevaizer
B. Ann Nevaizer, Secretary
Wisconsin Medical Examining Board

GCL:djm
ATY-2262

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE LICENSE TO :
TO PRACTICE MEDICINE AND SURGERY OF: :
: STIPULATION
: :
NAZARIO R. CAPATI, M.D., :
RESPONDENT :
:

It is hereby stipulated between Nazario R. Capati, M.D., personally and by his attorney, Michael S. Weiden; and Gilbert C. Lubcke, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. Nazario R. Capati, M.D., W5494 Maple Road, Neillsville, Wisconsin 54456, is a physician licensed but not currently registered to practice medicine and surgery in the state of Wisconsin, license #16211. Dr. Capati's registration expired on 11/1/91.
2. Dr. Capati is presently 59 years of age. Dr. Capati has been retired from the practice of medicine and surgery since 11/10/90 and he allowed his registration to practice medicine and surgery in the state of Wisconsin to expire on 11/1/91.
3. An investigation of Dr. Capati is pending before the Wisconsin Medical Examining Board, investigative file #91 MED 35.
4. Dr. Capati hereby surrenders his license to practice medicine and surgery in the state of Wisconsin effective on the date of the Order of the Wisconsin Medical Examining Board accepting this Stipulation, and further agrees that he will not make reapplication for licensure at any time in the future.
5. Dr. Capati will not practice or attempt to practice medicine or surgery in the state of Wisconsin after the date of this Order.
6. The Wisconsin Medical Examining Board, upon acceptance of the terms of this Stipulation, will close the pending investigation identified in paragraph 3 of this Stipulation without further investigation and no formal action will be commenced as a result of this investigation.
7. The parties to this proceeding waive all costs.
8. The Wisconsin Medical Examining Board may enter an Order not inconsistent with the terms of this Stipulation.
9. Dr. Capati also holds licenses to practice medicine in California, Georgia and Tennessee. His license in California expired on 7/31/91 and his license in Georgia expired on 12/31/91. His license in Tennessee will expire on 12/31/92. The Wisconsin Medical Examining Board may notify the licensing authorities in California, Georgia and Tennessee of the terms of this Stipulation and the Order issued as a result thereof.

10. The parties to this Stipulation and the board advisor, Rodolfo Molina, M.D., may appear before the Wisconsin Medical Examining Board in support of this Stipulation.

11. If any term of this Stipulation is not accepted by the Wisconsin Medical Examining Board, then no term of this Stipulation will be binding in any manner on any party, and the matter will be returned to the Division of Enforcement for further investigation.

Dated: 10-4-92

Nazario R. Capati, M.D.
Nazario R. Capati, M.D.

Dated: 10-7-92

Michael S. Weiden
Michael S. Weiden
Attorney for Nazario R. Capati, M.D.

Dated: 10/27/92

Gilbert C. Lubcke
Gilbert C. Lubcke
Attorney for the Department of
Regulation and Licensing, Division
of Enforcement

GCL:djm
ATY-2262

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Medical Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Medical Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Medical Examining Board.

The date of mailing of this decision is November 23, 1992.